

		Policy # 601
Subject: Discrimination in County Employment		
Responsible Department: Personnel Services		
Effective Date: 04/1996		Revision Date: 07/2005
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1. Purpose

The County of Sacramento is committed to maintaining a work environment that is free from discrimination. This policy:

1. Defines and provides examples of the conduct that is prohibited.
2. Summarizes the responsibilities of County employees for preventing and reporting violations.
3. Summarizes the responsibilities of County employees for investigating and responding to complaints and
4. Gives clear warning of the potential consequences of violating this policy.

2. Authority

Sacramento County Board of Supervisor's Approval April 15,1996.

3. Scope

This policy applies to all departments and shall be distributed to all County officers and employees. Reasonable efforts will be made to distribute to County agents, contractors, and volunteers.

4. Procedures

Discrimination Policy:

Definition: Discrimination includes, but is not limited to:

1. taking an adverse employment action (i.e. demotion, transfer, discipline, termination)
2. against an employee based on that individual's protected group/status

Discrimination in County Employment, Policy # 601

3. treating an applicant or employee differently with regard to any aspect of employment because of the individual's protected group/status
4. taking an employment action that adversely affects the employment opportunities for members of a protected group/status
5. basing an employment decision as to a job applicant or employee on the individual's protected group/status
6. engaging in harassment based on an individual's protected group/status.

Policy: All County employees, agents, contractors, and volunteers are prohibited from discriminating against any applicant or employee in the following protected group/status:

1. Race
2. Color
3. Sex
4. National Origin
5. Age
6. Marital status
7. Religion
8. Pregnancy
9. Ancestry
10. Medical condition
11. Physical or mental disability
12. Political affiliation or belief
13. Sexual orientation.

Applicability of policy: this policy applies to all employment actions including, but not limited to:

1. Recruitment
2. Demotion
3. Transfer
4. Layoff
5. Discipline
6. Termination
7. Salary and benefits
8. Participation or appointment to all County boards and commissions.

This policy also applies to discrimination against subordinates as well as discrimination by co-workers against other co-workers.

Examples: Discrimination may include, but is not limited to, the following types of behavior relating to an individual's protected group/status:

1. Making slurs or derogatory comments in any format.
2. Engaging in verbal or physical conduct, comments, and jokes relating to an individual's group/status.
3. Wearing t-shirts, clothing, hats depicting derogatory or insulting scenes or terminology.
4. Distributing or displaying printed material.
5. Refusing or failing to hire or promote.

Mandated training: Department Heads, managers, and supervisory personnel, as defined by the Fair Employment Housing Act (FEHA), shall receive, consistent with applicable State and Federal requirements, specialized formal training in recognizing and preventing discrimination.

Protection measures: When County employees, agents, contractors, and volunteers are performing their work-related activities for the County, the County will take reasonable measures to protect them from discrimination.

Investigation mandated: The County or its designee shall promptly investigate complaints of discrimination.

Retaliation prohibited: It is a violation of this policy to retaliate or engage in any form of retaliation because a person has raised a concern of, filed a complaint of, participated in an investigation of, or been a witness to, discrimination. The County shall investigate complaints of retaliation and shall take appropriate corrective action.

Suppressing a complaint prohibited: No County employee, agent, contractor or volunteer shall suppress, or attempt to suppress a complaint about discrimination.

Responsibility for agents, contractors, and volunteers: County employees responsible for administering, monitoring or overseeing the work of County agents, contractors, or volunteers shall ensure that they do not violate this policy.

If managers or supervisors become aware of possible discrimination by County agents, contractors or volunteers, they shall conduct a timely investigation and take appropriate corrective action.

Responsibilities of All County Employees:

Policy: All County employees, agents, contractors and volunteers are responsible for ensuring that discrimination does not occur in the Sacramento County work environment.

Timely reporting critical: Any employee, agent, contractor or volunteer who believes that he or she has been the object of, or has been affected by, discrimination in County work situations, or who is aware of an occurrence of discrimination should immediately report such action or incident to any of the following individuals:

1. His or her supervisor.
2. Departmental Equal Employment Coordinator.
3. Departmental Human Resources Representative.
4. The County's Chief of Equal Employment Opportunity (EEO), or
5. Department Head.

Note: Under no circumstances shall such report be required or expected to be made to a person who allegedly engaged in the conduct that is being reported

Cooperation required: County employees, agents, contractors and volunteers shall cooperate fully with all investigations of discrimination and shall not retaliate against complainants or witnesses.

Responsibilities of Management and Supervisory Personnel

Policy: All Department Heads, managers, and supervisory personnel, as defined by FEHA, shall ensure that the Sacramento County work environment is free from discrimination.

Educating employees: As appropriate for their level in the organization, Department Heads, managers, and supervisory personnel, as defined by FEHA, are responsible for:

1. Ensuring all employees are aware that:
 - Discrimination is prohibited
 - They have a right to complain about such behavior
 - They will be protected from retaliation
 - Incidents should be reported to help ensure they will not recur
 - Prompt appropriate follow-up action will be taken to stop such behavior if the supervisor or manager learns of the problem
 - Discrimination may be grounds for disciplinary action

2. Ensuring that all employees have a copy of the Discrimination in County Employment Policy # 601.

Dealing with complaints: As appropriate for their level in the organization, Department Heads, managers, and supervisory personnel, as defined by FEHA, are responsible for:

1. Promptly and thoroughly investigating any report and/or complaint of discrimination as required by this policy.
2. Taking reasonable steps to protect the complainant from further harassment or retaliation.
3. Taking appropriate corrective action against anyone in County employment who engages in discrimination.
4. Taking appropriate corrective action against any agent, contractor, or volunteer who engages in discrimination.

Appointing a department investigator: Management shall appoint one or more departmental Equal Employment Coordinators or Human Resources Representatives. This person or persons will provide information related to discrimination and will typically be the initial investigator of such complaints.

The individual(s) selected must:

1. Be credible.
2. Be at an appropriate level in the organization, and
3. Have received training consistent with the County's investigator training.

Note: Changes to the above appointed individual(s) must be communicated to the Chief of EEO in a timely manner.

Chief of Equal Employment Opportunity: The County's Chief of EEO, in cooperation with Department Heads, is responsible for:

1. Educating managers, supervisors, and employees, and informing them of their rights and responsibilities under this policy.
2. Developing processes for conducting investigations of alleged violations of this policy.
3. Advising departments on handling discrimination complaints.
4. Advising individuals of the process for handling discrimination concerns and complaints.
5. Investigating and attempting to resolve discrimination complaints.
6. Advising all parties about the confidentiality of the complaints and the process.

7. Providing training to departmental Equal Employment Coordinators and Human Resources Representatives.

Use of Outside Investigators

Introduction: In some circumstances, the use of an “outside investigator” may be necessary and/or advisable in order to ensure the integrity of the investigation. An “outside investigator” shall not be a County employee, but shall be an individual or entity that is retained by the County to investigate complaints of violations of the County’s Discrimination in County Employment Policy # 601.

Mandatory use: The County shall use an outside investigator to conduct investigations of discrimination complaints against any of the following individuals:

1. All elected officials.
2. The County Executive.
3. The County Counsel.

Discretionary use: The County may, in its discretion, use an outside investigator to conduct investigations of discrimination complaints against any of the following individuals:

1. Agency Administrators.
2. Department Heads.
3. Assistant or Deputy Department Heads (or individuals who serve as the second-in-command for the Department).
4. Other County employees, agents, contractors or volunteers, as appropriate, depending on their role and function within the County.

Coordination and consultation needed: The selection of an outside investigator for those individuals listed above shall be made in coordination and consultation with:

1. County Executive (except if subject of the investigation).
2. County Counsel (except if subject of the investigation).
3. The elected official of the affected department.
4. The Deputy County Executive of Administrative Services or
5. Director of Personnel Services (except if subject of the investigation).

Referrals to Chief of EEO: The departmental Equal Employment Coordinator or Human Resources Representative shall refer any

complaints regarding those individuals listed under Discretionary use to the Chief of EEO.

Factors to consider: For those circumstances in which the County may, but is not required to use an outside investigator, the factors to be considered in determining whether an outside investigator should be used include, but are not limited to:

1. Seriousness of the allegations(s).
2. The number of departments involved.
3. Involvement of non-County agencies and/or vendors.
4. The complexity and nature of the allegation(s).

Complaint Process

Presenting a complaint: Complaints may be presented orally or in writing. However, written complaints are strongly recommended. Any complaint should include the following information:

1. Basis for the alleged discrimination.
2. Specific discrimination practice(s) or incident(s) that occurred.
3. Names of any persons thought to be responsible for the discrimination.
4. Remedy being sought by the complainant.
5. Name of the complainant's representative, if any.

Who to notify: Any employee or applicant for employment who believes he or she has been the victim of unlawful discrimination or retaliation in violation of this policy is encouraged to file a complaint with any of the following individuals:

1. His or her supervisor.
2. His or her manager.
3. Departmental Equal Employment Coordinator.
4. Departmental Human Resources Representative.
5. Chief of Equal Employment Opportunity.
6. Department Head.

County's action: When the County receives a complaint of discrimination or retaliation, or otherwise has reason to believe that discrimination or retaliation is occurring, it will take all reasonable measures to ensure that the matter is promptly investigated and that prompt, appropriate, corrective action is taken.

At the conclusion of the investigation, the County will determine whether there is sufficient evidence to substantiate a violation of the County's policy and whether corrective action is necessary to resolve the issue(s) of the complaint. The County will advise the complainant, the accused, the Department Head, and as appropriate, management and/or supervisory staff of such determination.

Other complaint options: The filing of a complaint pursuant to this policy does not prevent the filing of a complaint with the State Department of Fair Employment and Housing (DFEH) or the U.S. Equal Employment Opportunity Commission (EEOC) or in court.

County's decision is final: The decision of the County is final. If a complainant is not satisfied with the outcome of the investigation, the complainant may file a complaint with the DFEH or EEOC or exercise other appropriate legal action.

Investigation without a complaint: An investigation may be undertaken even if a complaint has not been filed, if there is a reasonable basis to believe that there is, or has been a violation of this policy.

Investigator authority: The person investigating a complaint under this policy has a right to full access to records and to the cooperation of any involved employee, agent, contractor or volunteer.

Confidentiality considerations: To the extent permitted by law, proceedings under this policy and all reports and records filed shall be kept confidential. Reasonable efforts shall be made to protect the privacy interests of the parties. Information will be given only to those who have a need to know.

The complainant, the accused, the Department Head, and, as appropriate, management and/or supervisory personnel will be advised of the results of the investigation and whether any corrective action will be taken.

Protection from retaliation: The County shall take all reasonable measures to ensure that the complainant is protected from retaliation, particularly if the complaint involves the complainant's supervisor or someone in a position of authority over the complainant.

Management personnel are responsible for investigating all allegations of retaliation and taking appropriate corrective action.

Findings of other issues: In the course of an investigation, an investigator may become aware of actual or alleged operational/management issues, which, while they do not constitute discrimination as defined in this policy, should be brought to the attention of management.

In those instances, the investigator shall summarize such issues in a separate report addressed to the appropriate management level. Management shall follow-up on such issues via appropriate means, including conducting its own operational reviews.

5. Review Not Applicable.